

COPY

LAURIE ORTOLANO

V.

CITY OF NASHUA

Docket No. 1:22-CV-00236-LM

KIMBERLY KLEINER

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<p>25</p> <p>1 speak with residents with large multiple</p> <p>2 requests on properties not owned by the</p> <p>3 individual. Please write down any questions and</p> <p>4 they'll be answered in writing.</p> <p>5 Q That's enough. I'm sorry.</p> <p>6 So in the first document that we just</p> <p>7 looked at in this packet, it specifically</p> <p>8 mentions Ms. Ortolano, correct?</p> <p>9 MS. FEENEY: I just want a clear record.</p> <p>10 MR. OLSON: Sure.</p> <p>11 MS. FEENEY: This is the April 1, 2019,</p> <p>12 first page of Exhibit 2?</p> <p>13 MR. OLSON: That's correct. Yes.</p> <p>14 MS. FEENEY: Okay. Because you've got</p> <p>15 exhibit numbers on these other pages that --</p> <p>16 MR. OLSON: Yes.</p> <p>17 MS. FEENEY: Okay. Sorry I probably mucked</p> <p>18 up -- I'm sorry.</p> <p>19 A I don't remember the question now.</p> <p>20 Q No problem. In the first document we looked at</p> <p>21 in this packet that was labeled Monday, April</p> <p>22 1st, 2019, it mentions Ms. Ortolano</p> <p>23 specifically, correct?</p>	<p>27</p> <p>1 that this is directed to. The April 8th.</p> <p>2 A Yes, and there could be others.</p> <p>3 Q Okay. Do you recall whether there were others?</p> <p>4 A Yes. There were others.</p> <p>5 Q Okay. Do you know how many?</p> <p>6 A No.</p> <p>7 Q Okay. On to the third page of this packet</p> <p>8 labeled Friday, July 19th, 2019, and this one is</p> <p>9 number 2, and if you could just read the</p> <p>10 beginning where it says send copies to Karina?</p> <p>11 A Send copies to Karina - sign-in sheets, property</p> <p>12 cards requested, Assesshelp questions regarding</p> <p>13 assessments will be forwarded to me. If an</p> <p>14 assessor needs to answer we will discuss on</p> <p>15 Mondays and share with Legal.</p> <p>16 Q And correct me if I'm wrong, you had a chance to</p> <p>17 read through all the pages, right?</p> <p>18 A Yes.</p> <p>19 Q Do any of the other, the first two documents,</p> <p>20 mention sharing with Legal or is this the first</p> <p>21 time?</p> <p>22 A This was the first.</p> <p>23 Q Do you know what would have spurred that change?</p>
<p>26</p> <p>1 A Yes, it does.</p> <p>2 Q And the second document which is labeled Monday,</p> <p>3 April 8th, 2019, basically the same message but</p> <p>4 her name is not mentioned, correct?</p> <p>5 A No. I don't agree it's the same message.</p> <p>6 Q Okay. And why not?</p> <p>7 A The first is specifically any questions that</p> <p>8 need to be answered by Assessors. The second is</p> <p>9 residents that have large multiple requests on</p> <p>10 properties that are not their own. So that</p> <p>11 generally entails a lot more information to be</p> <p>12 gathered.</p> <p>13 Q Okay.</p> <p>14 A So I don't consider that the same thing.</p> <p>15 Q Would you agree with me that the Monday, April</p> <p>16 8th, agenda does not include Laurie Ortolano's</p> <p>17 name?</p> <p>18 A It does not.</p> <p>19 Q Was Laurie Ortolano one of those people who</p> <p>20 would typically appear with large multiple</p> <p>21 requests on properties not owned by her?</p> <p>22 A Yes.</p> <p>23 Q So she could be identified as one of the people</p>	<p>28</p> <p>1 A At some point, I do not know the exact date,</p> <p>2 there was instructions that Right-to-Know</p> <p>3 requests would be sent to the Legal office.</p> <p>4 Q And do you know from whom those instructions</p> <p>5 came?</p> <p>6 A From the Legal office. I don't know exactly</p> <p>7 how.</p> <p>8 Q Okay. Would you have a regular point of contact</p> <p>9 within the Legal Department?</p> <p>10 A Yes. I mean, about, depends about what. I</p> <p>11 mean --</p> <p>12 Q So I guess about Assessing.</p> <p>13 A Yes. I would commonly speak with either</p> <p>14 Attorney Bolton or Attorney Leonard.</p> <p>15 Q All right. Anybody else in the Legal office or</p> <p>16 just one of those two?</p> <p>17 A Pinpoint Assessing?</p> <p>18 Q Yes.</p> <p>19 A One of those two.</p> <p>20 Q Okay. Thank you. So back to the mandatory</p> <p>21 audit. I'm sorry I'm jumping around a little</p> <p>22 bit.</p> <p>23 Who was the Chief Assessor if you recall</p>

<p style="text-align: right;">53</p> <p>1 MS. FEENEY: You mean summarize Exhibit 5?</p> <p>2 Q Summarize the first paragraph.</p> <p>3 MS. FEENEY: I'm going to object to the</p> <p>4 form.</p> <p>5 Q Okay, sure. That's fine.</p> <p>6 MS. FEENEY: Having her summarize something</p> <p>7 that's written by her doesn't seem to make</p> <p>8 sense, but it's your deposition.</p> <p>9 Q Can you give me a brief summary of what the</p> <p>10 first paragraph says?</p> <p>11 MS. FEENEY: Again, I'll object to your</p> <p>12 form. You may answer.</p> <p>13 A Okay. In the first paragraph, I am speaking to</p> <p>14 the fact that Ms. Ortolano had come to my office</p> <p>15 looking for information that was on Cheryl</p> <p>16 Walley's desk, and I, she claims were violating</p> <p>17 her rights, not giving her the document, and I</p> <p>18 informed her that Legal was on the third floor.</p> <p>19 Q And at that time, was everything referred to</p> <p>20 Legal on the third floor regarding Ms.</p> <p>21 Ortolano's request?</p> <p>22 A Regarding Right-to-Know requests, everything was</p> <p>23 being directed through us, we would take the</p>	<p style="text-align: right;">55</p> <p>1 May informing them to direct Ms. Ortolano's</p> <p>2 questions to her.</p> <p>3 Q So at that point, was Louise Brown instructed</p> <p>4 not to turn over documents to Ms. Ortolano?</p> <p>5 MR. CULLEN: Objection to form.</p> <p>6 MS. FEENEY: I'm going to give you a</p> <p>7 continuing objection to form on this exhibit.</p> <p>8 A So at this point, this is September of 2019.</p> <p>9 Prior would stand. So the July, the April and</p> <p>10 July direction had not changed in that point.</p> <p>11 So if Ms. Brown informed administrative staff to</p> <p>12 direct Ms. Ortolano's questions to her, that</p> <p>13 would be in form with the previous directions</p> <p>14 that had been given.</p> <p>15 Q Okay. So not just to Louise Brown, but I</p> <p>16 believe those documents that you're referring to</p> <p>17 from April and July --</p> <p>18 A Correct.</p> <p>19 Q -- said that the requests would then go to</p> <p>20 legal, correct?</p> <p>21 A Correct. So to be clear, Ms. Brown is the</p> <p>22 Administrative Services Supervisor so she's</p> <p>23 directing her two clerks to give the questions</p>
<p style="text-align: right;">54</p> <p>1 request, and everything was being directed to</p> <p>2 the legal department. In this particular, the</p> <p>3 last sentence explains, she was asking for</p> <p>4 information that I considered a personnel matter</p> <p>5 which would not be discussed with a resident</p> <p>6 which is why I asked her to go to Legal. I was</p> <p>7 not going to give her the information.</p> <p>8 Q Okay. Would it be fair to say that in that</p> <p>9 first paragraph Ms. Ortolano is looking for a</p> <p>10 document?</p> <p>11 MS. FEENEY: I'm going to again object to</p> <p>12 your form.</p> <p>13 Q Okay. I'll ask the witness to read the 1, 2, 3,</p> <p>14 fourth line down beginning with the sentence on</p> <p>15 the right-hand side that says she then. Do you</p> <p>16 see that? Fourth line down?</p> <p>17 A She then claims we are violating her rights.</p> <p>18 Q I believe you might have skipped over a line.</p> <p>19 She then informs?</p> <p>20 A Oh. She then informs me she needs a document</p> <p>21 off Cheryl Walley's desk in a stack on the</p> <p>22 right-hand side of the desk. She claims Ms.</p> <p>23 Brown had a meeting with administrative staff in</p>	<p style="text-align: right;">56</p> <p>1 to her. Okay?</p> <p>2 Q Okay. But then eventually they go to Legal,</p> <p>3 correct?</p> <p>4 A Yes. I mean, depending on if it's a</p> <p>5 Right-to-Know request, depending on what it's</p> <p>6 for, I mean if it's -- it depends, it depends on</p> <p>7 what it is.</p> <p>8 Q So just to be clear, would Ms. Ortolano be able</p> <p>9 to obtain access to any records in assessing</p> <p>10 without it going through Louise Brown?</p> <p>11 MS. FEENEY: At what point in time?</p> <p>12 Q In 2019. Starting in May of 2019.</p> <p>13 A Yes. I believe she did. I believe she looked</p> <p>14 up property record files. I believe she looked</p> <p>15 at many things if they were readily available.</p> <p>16 Q But certain requests were to be referred first</p> <p>17 to Louise Brown and then to you or Mr. Griffin,</p> <p>18 correct?</p> <p>19 A Yes. If there were multiple requests or if they</p> <p>20 were requests for things that needed to be</p> <p>21 investigated and researched and found.</p> <p>22 Q Okay. Thank you. So at some point again, this</p> <p>23 would be around the same time that you wrote</p>

<p style="text-align: right;">61</p> <p>1 Q Okay. At some point did the attitude of the</p> <p>2 people in assessing both administrative staff</p> <p>3 and Assessors change with respect to Ms.</p> <p>4 Ortolano?</p> <p>5 MS. FEENEY: I'll object to your form. You</p> <p>6 may answer.</p> <p>7 A I'm not sure I understand the question.</p> <p>8 Q Okay. I'll rephrase.</p> <p>9 Originally, admin staff in Assessing and</p> <p>10 the Assessors would have outreach to Ms.</p> <p>11 Ortolano. They respond to her questions. At</p> <p>12 some point did that relationship sour because of</p> <p>13 the excessive requests by Ms. Ortolano as</p> <p>14 reflected in that newspaper article?</p> <p>15 MS. FEENEY: I'm going to object to your</p> <p>16 form, and tell the witness she may answer.</p> <p>17 A So I don't think I can certainly speak for the</p> <p>18 individuals themselves, but there was a</p> <p>19 significant amount of frustration on staff being</p> <p>20 overwhelmed with the amount of work in front of</p> <p>21 them, and that was apparent to me.</p> <p>22 Q What was your attitude?</p> <p>23 A I think we were all significantly trying to help</p>	<p style="text-align: right;">63</p> <p>1 Assessors did not want to have contact with you</p> <p>2 anymore. Can you recall that?</p> <p>3 MR. CULLEN: Objection to form.</p> <p>4 MS. FEENEY: Object to form.</p> <p>5 A With me?</p> <p>6 Q Yes.</p> <p>7 MS. FEENEY: Your question was that the</p> <p>8 Assessors didn't want to have contact with my</p> <p>9 client?</p> <p>10 Q No. I'm sorry, the Assessors did not want to</p> <p>11 have contact with Laurie Ortolano.</p> <p>12 MS. FEENEY: That's not what your question</p> <p>13 was. Let's just do it over and get it right.</p> <p>14 Q Do you recall at some point that the Assessors</p> <p>15 came to you and told you that they did not want</p> <p>16 to have contact with Laurie Ortolano anymore?</p> <p>17 A Yes.</p> <p>18 Q Thank you. Do you remember what spurred that?</p> <p>19 A Yes.</p> <p>20 Q What was it?</p> <p>21 A There had been a number of ethics violations</p> <p>22 filed with the Department of Revenue on various</p> <p>23 Assessors by Ms. Ortolano.</p>
<p style="text-align: right;">62</p> <p>1 the best we could, but we were under a</p> <p>2 significant amount of pressure to complete the</p> <p>3 work, including the Right-to-Know requests.</p> <p>4 Q Did you feel that Ms. Ortolano had ill feelings</p> <p>5 toward you or anyone in the Assessing Office?</p> <p>6 A Yes. I did. I think they were publicly said at</p> <p>7 Board of Aldermen meetings. Yes.</p> <p>8 (Exhibit 7 marked for identification)</p> <p>9 Q You recognize this document?</p> <p>10 A Yes.</p> <p>11 Q Can you just read it for me, please?</p> <p>12 A The email is from Laurie Ortolano to me. Kim,</p> <p>13 thanks so much for some of your time. I dropped</p> <p>14 in unscheduled and really appreciate you taking</p> <p>15 the time to speak with me. Your efforts have</p> <p>16 not gone unnoticed. This was and is a big task</p> <p>17 and I know you're working to move the city in</p> <p>18 the right direction. The Mayor is lucky to have</p> <p>19 you. Laurie.</p> <p>20 Q Do you recall seeing that?</p> <p>21 A I do.</p> <p>22 Q In '19. Thank you. So at some point, I believe</p> <p>23 this was early in 2020 you announced that the</p>	<p style="text-align: right;">64</p> <p>1 Q Do you recall specifically which members of the</p> <p>2 Assessing Department were involved?</p> <p>3 A Had violations?</p> <p>4 Q Yes.</p> <p>5 A So Greg Turgiss and Gary Turgiss. I'm not sure</p> <p>6 on Mike Mandile. Both the Turgisses.</p> <p>7 Q So Ms. Ortolano filed ethics violations or filed</p> <p>8 something with the State or the Department of</p> <p>9 Revenue about both Turgisses?</p> <p>10 A Yes.</p> <p>11 Q Okay. Anybody else that you recall?</p> <p>12 A I believe there was another resident who did</p> <p>13 file complaints as well.</p> <p>14 Q Okay. And do you recall who that was?</p> <p>15 A Ms. Laura Colquhoun.</p> <p>16 MS. FEENEY: Kurt, just before you get into</p> <p>17 the questions, Exhibit 8, does the enclosure</p> <p>18 letter which cites a list of things enclosed,</p> <p>19 are all of those attached to this exhibit?</p> <p>20 MR. OLSON: They are not.</p> <p>21 MS. FEENEY: So Exhibit 8 is a January 23,</p> <p>22 2020, letter to Attorney Lehmann, but all the</p> <p>23 itemized enclosures are not attached to Exhibit</p>

<p>65</p> <p>1 8.</p> <p>2 MR. OLSON: That's correct.</p> <p>3 MS. FEENEY: Okay. Thanks.</p> <p>4 Q You can certainly continue reading to reach the</p> <p>5 end, but I just have a question about one</p> <p>6 paragraph in the document.</p> <p>7 MS. FEENEY: Finish.</p> <p>8 Q Actually, it's that page that I'm interested in</p> <p>9 so in the middle of the page do you see where it</p> <p>10 says I informed Ortolano as a result of this</p> <p>11 incident?</p> <p>12 A Yes.</p> <p>13 Q And it goes on to say that after, I believe this</p> <p>14 was Detective Lombardi, after Detective Lombardi</p> <p>15 finished speaking with the members of the</p> <p>16 Assessing Department, none of them wanted to</p> <p>17 have contact with Ms. Ortolano; is that correct?</p> <p>18 A Yes.</p> <p>19 Q And did each of the people who are listed here,</p> <p>20 Michael Mandile, Kimberly Kleiner, yourself,</p> <p>21 Louise Brown, Greg Turgiss, Gary Turgiss,</p> <p>22 Douglas Dane, Lynn Cameron, Amanda Mazerolle,</p> <p>23 did they come to you individually before they</p>	<p>67</p> <p>1 their contact with Laurie Ortolano.</p> <p>2 Q And after the Lynn Cameron incident happened,</p> <p>3 did you have discussion with all of them about</p> <p>4 how that's what they wanted, not to have contact</p> <p>5 with Laurie Ortolano?</p> <p>6 A I'm not sure that I had a conversation with</p> <p>7 Mr. Dane, but I believe he was present when they</p> <p>8 spoke with Detective Lombardi. I was not.</p> <p>9 Q You weren't. Okay.</p> <p>10 A I was not.</p> <p>11 Q But you had previously told, because your name</p> <p>12 is one of the ones listed here, you had</p> <p>13 previously told Detective Lombardi that that was</p> <p>14 your desire as well?</p> <p>15 A I must have. I mean, I don't remember</p> <p>16 specifically saying I didn't want to have</p> <p>17 contact. I commonly would have contact as the</p> <p>18 Director of the department.</p> <p>19 Q Okay. Thank you.</p> <p>20 MS. FEENEY: Can you just give me a second?</p> <p>21 (Discussion off the record)</p> <p>22 (Exhibit 9 marked for identification)</p> <p>23 MS. FEENEY: This whole exhibit or is this</p>
<p>66</p> <p>1 spoke with Detective Lombardi?</p> <p>2 A So at different times. At different times the</p> <p>3 individuals came to me. This was a result of</p> <p>4 the Lynn Cameron meeting in the parking lot.</p> <p>5 One of the exhibits you gave me just a few</p> <p>6 minutes ago where Lynn came to my office visibly</p> <p>7 shaken. So Lynn and Louise came to me right</p> <p>8 before they contacted the police department.</p> <p>9 Q I think what you're recounting is, and Detective</p> <p>10 Lombardi says the same thing, that these members</p> <p>11 of the Assessing Department came to you as a</p> <p>12 result of the incident with Lynn Cameron,</p> <p>13 correct?</p> <p>14 A Correct.</p> <p>15 Q But you said earlier that they came to you at</p> <p>16 different times. So you didn't hear from all of</p> <p>17 them in the same day that the Lynn Cameron</p> <p>18 incident happened?</p> <p>19 A Not within the same meeting. They all came to</p> <p>20 me at different times that day, several days</p> <p>21 before that. So this was not, this was not the</p> <p>22 first time that they had approached me asking me</p> <p>23 if something could be done about them limiting</p>	<p>68</p> <p>1 one of those blendos?</p> <p>2 Q This one is, the first probably 7 or 8 pages are</p> <p>3 the letters to the individuals, Duhamel,</p> <p>4 Turgiss, and Tozer and then about midway through</p> <p>5 is the letter from the State Department of</p> <p>6 Revenue which includes their discipline. That's</p> <p>7 where the DRA starts.</p> <p>8 MS. FEENEY: Yes.</p> <p>9 Q I think we've talked, Ms. Kleiner, about a</p> <p>10 couple of different members of the Assessing</p> <p>11 Department getting sanctioned, correct?</p> <p>12 A Yes.</p> <p>13 Q And do you remember based on looking at this</p> <p>14 document who was sanctioned by both New</p> <p>15 Hampshire Association of Assessing Officials and</p> <p>16 by the New Hampshire Department of Revenue</p> <p>17 Administration?</p> <p>18 A I think there's a mixture in here.</p> <p>19 MS. FEENEY: That's what I just saying to</p> <p>20 him before. There's a whole bunch of stuff in</p> <p>21 Exhibit 9.</p> <p>22 A Right and there's --</p> <p>23 MS. FEENEY: So just listen to the question</p>

<p style="text-align: right;">93</p> <p>1 Laurie Wilshire, the President of the Board of 2 Aldermen, copying the Mayor, and second and 3 third page are an email that was written by 4 Raymond Feoli, President of Inception to the 5 Board of Aldermen. 6 Q And can you briefly describe what this was 7 about? 8 A Briefly, Inception Technologies was working with 9 us on a scanning project scanning all of the 10 records in Assessing, primarily property 11 records. This was a project that had occurred, 12 started during COVID. It was taking a long 13 time. I was going to provide the Board of 14 Aldermen with an update on the project that had 15 been impacted by COVID and answer their 16 questions as to why Mr. Feoli the need to send 17 this email. 18 Q How would you describe the email that Mr. Feoli 19 sent to you? In other words, what was it about? 20 What was the content? 21 A I think Mr. Feoli is simply letting his client 22 know, the City, that he was concerned, he had a 23 conversation with someone whom he thought was a</p>	<p style="text-align: right;">95</p> <p>1 corner, and at the bottom of the page it's your, 2 I guess you call it testimony to the members of 3 the Board; is that accurate? 4 MS. FEENEY: I'm going to object to your 5 form as to testimony. 6 Q Do you know what you were addressing the Board 7 on that day? 8 A So I'm giving the Board an update on the project 9 and so I go on to explain the project, where it 10 currently is, and that I end with the document 11 that is addressed to them from Mr. Feoli. 12 That's it. 13 Q The paragraph that begins, this is on page 4, 14 upper right-hand corner, and you are speaking, 15 sorry, let me know if you are speaking where you 16 say last week Chief Vincent. Is that still your 17 words to the Board? 18 A Yes. 19 Q Okay. Can you just read that for us? 20 A Sure. Last week Chief Vincent and I received 21 several emails on the project from a resident 22 who also -- 23 Q Probably copied?</p>
<p style="text-align: right;">94</p> <p>1 City employee and later found out it was not, 2 and he was concerned that he may have given more 3 information than was their standard procedure to 4 do. 5 Q Okay. Is it your understanding that Mr. Feoli 6 was referring to Laurie Ortolano? 7 A Yes. 8 Q Okay. And at some point did you inform 9 Mr. Feoli that Ms. Ortolano was not a City 10 employee? 11 A Yes. In a phone call. 12 Q And I'll show you the next exhibit. 13 (Exhibit 17 marked for identification) 14 Q You don't have to read the entire document if 15 you don't want to. What I'm interested in is on 16 page 3 in this document which actually if you 17 could identify it for us that would be great. 18 Do you know what this document is? 19 A These are, yes, these are minutes from the Board 20 of Aldermen meeting held Tuesday, February 8th, 21 2022. 22 Q So on to the page, page 3, it's actually 23 identified that way in the upper right-hand</p>	<p style="text-align: right;">96</p> <p>1 A -- supposed to be copied the State DRA, 2 Department of Revenue Administration, and the 3 Nashua Police Department. Information and 4 misinformation in those emails caused me to 5 reach out to the vendor. During our 6 conversation with Ray Feoli, President of 7 Inception Technologies, informed me that a city 8 employee named Ms. Ortolano had also reached out 9 to him regarding the project and indicated that 10 she could expedite payment on the remaining 11 project. I informed Mr. Feoli that she was not 12 employed by the city and for many reasons which 13 was concerning to him. I informed him that I 14 would update the Board of the project, 15 especially with a quote going to Finance. He 16 indicated that he would be happy to speak with 17 you should you request he do so. 18 Q So in the conversation that you reference here 19 with Mr. Feoli, had you already told him that 20 Ms. Ortolano was not a City employee? 21 A Yes. 22 Q Okay. And why did you decide to report this to 23 the Board of Aldermen?</p>

<p style="text-align: right;">97</p> <p>1 A Because Mr. Feoli sent me an email that is</p> <p>2 addressed to the Board of Aldermen, and I felt</p> <p>3 obligated to deliver.</p> <p>4 Q Okay. Thank you.</p> <p>5 So the last series of questions for you</p> <p>6 concern these last two documents.</p> <p>7 (Exhibit 18 marked for identification)</p> <p>8 (Laurie Ortolano enters deposition by Zoom)</p> <p>9 Q All set?</p> <p>10 A Yes. I mean I haven't read it word for word.</p> <p>11 MS. FEENEY: Let's wait for the question,</p> <p>12 and then if you need more time to read it we can</p> <p>13 take a moment.</p> <p>14 Q I actually am just going to be referring you to</p> <p>15 one small section so it's probably best you</p> <p>16 don't read the whole thing. If you would turn</p> <p>17 to page 2 of the document?</p> <p>18 A Okay.</p> <p>19 Q So we referenced this particular provision of</p> <p>20 the Canon of Ethics earlier. ER 1-4. That's in</p> <p>21 the middle of the page there. And could you</p> <p>22 read that for us, please? Just that paragraph?</p> <p>23 A ER 1-4, Members must make available all public</p>	<p style="text-align: right;">99</p> <p>1 A Yes.</p> <p>2 Q And in Exhibit 2, your decision. I believe you</p> <p>3 wrote those agendas, right?</p> <p>4 A Yes. I did.</p> <p>5 Q So in Exhibit 2, what you do is direct the</p> <p>6 Assessors not to even speak with Ms. Ortolano,</p> <p>7 correct?</p> <p>8 MR. CULLEN: Objection to form.</p> <p>9 MS. FEENEY: I'll join that objection. You</p> <p>10 can answer.</p> <p>11 A So I do acknowledge that they would not like to</p> <p>12 speak with her and to write down the questions</p> <p>13 and they will be answered. Yes. So I believe</p> <p>14 the resident is getting the information although</p> <p>15 it may not directly be coming out verbally from</p> <p>16 those Assessors' mouths at that precise moment.</p> <p>17 Q So I guess I'd just like to clarify because I</p> <p>18 believe you said that the Assessors going</p> <p>19 forward, Mike, Gary, and Greg, three Assessors,</p> <p>20 right? I think you said would not like to speak</p> <p>21 with Ms. Ortolano. This is actually a directive</p> <p>22 from you, right?</p> <p>23 A Yes.</p>
<p style="text-align: right;">98</p> <p>1 records in their custody for public review,</p> <p>2 unless access to such records is specifically</p> <p>3 limited or prohibited by law, or the information</p> <p>4 has been obtained on a confidential basis and</p> <p>5 the law permits such information to be treated</p> <p>6 confidentially.</p> <p>7 Q Okay. And if we go back to Exhibit 2, the one</p> <p>8 that had the agendas, beginning on April 1st,</p> <p>9 2019? And then there's another one from April</p> <p>10 8. Looks like that.</p> <p>11 MS. FEENEY: Exhibit 2?</p> <p>12 Q Yes. That's it.</p> <p>13 MS. FEENEY: And what was the other one</p> <p>14 you'd like?</p> <p>15 Q That's it.</p> <p>16 MS. FEENEY: I'm sorry. I missed the</p> <p>17 question in all of that.</p> <p>18 MR. OLSON: I didn't actually ask one yet.</p> <p>19 MS. FEENEY: Good.</p> <p>20 Q If you look at ER 1-4, talks about the</p> <p>21 obligation of Assessors to make documents,</p> <p>22 public documents available to citizens,</p> <p>23 taxpayers, correct?</p>	<p style="text-align: right;">100</p> <p>1 Q And those three will not speak to Ms. Ortolano.</p> <p>2 MS. FEENEY: I don't understand your</p> <p>3 question. If you could try again.</p> <p>4 MR. OLSON: I just wanted to clarify</p> <p>5 because --</p> <p>6 MS. FEENEY: I understand. Go ahead.</p> <p>7 Q What you said was that going forward Mike, Gary</p> <p>8 and Greg would not like to speak to Ms.</p> <p>9 Ortolano. Correct?</p> <p>10 MS. FEENEY: I'm going to object to your</p> <p>11 form. Testimony will speak for itself.</p> <p>12 Q Okay. But what the document actually says is</p> <p>13 going forward Mike, Gary, and Greg will not</p> <p>14 speak with Ms. Ortolano?</p> <p>15 A That is what the document says.</p> <p>16 Q And that was a directive from you, correct?</p> <p>17 A Yes.</p> <p>18 Q Okay. So under those circumstances, are you</p> <p>19 telling the Assessors, Mike, Greg, and Gary, to</p> <p>20 violate that ethical provision, ER 1-4?</p> <p>21 A No. I don't believe I am.</p> <p>22 Q Okay.</p> <p>23 A I believe I'm protecting my employees.</p>

<p style="text-align: right;">101</p> <p>1 Q Okay. But the ethical rule basically sets forth</p> <p>2 the duty of Assessors to turn over public</p> <p>3 documents to taxpayers, correct?</p> <p>4 MR. CULLEN: Objection to form.</p> <p>5 MS. FEENEY: Same objection to form. You</p> <p>6 may answer.</p> <p>7 A This is speaking to, this is providing public</p> <p>8 records. I do not believe that ER 1-4 requires</p> <p>9 them to answer verbally every question that is</p> <p>10 raised. I believe the residents, yes, deserve</p> <p>11 an answer. That doesn't necessarily mean that</p> <p>12 it needs to be stated verbally right at that</p> <p>13 moment. It does require them to make sure that</p> <p>14 the residents get the information and public</p> <p>15 records in accordance with RSA 91-A.</p> <p>16 Q So 91-A basically says that if there is a</p> <p>17 document that's a public document that's</p> <p>18 available in the Assessors Office, it must be</p> <p>19 turned over at that time. Correct?</p> <p>20 MR. CULLEN: Objection to form.</p> <p>21 MS. FEENEY: Object to the form. If you</p> <p>22 want to show her the statute, I'm happy to have</p> <p>23 her look at the statute.</p>	<p style="text-align: right;">103</p> <p>1 available for trial, I'll have no questions.</p> <p>2 MR. CULLEN: I have one quick question. I</p> <p>3 apologize.</p> <p>4 EXAMINATION</p> <p>5 BY MR. CULLEN:</p> <p>6 Q At the beginning of your deposition,</p> <p>7 Ms. Kleiner, you were asked some questions about</p> <p>8 the concerns the staff had raised regarding Ms.</p> <p>9 Ortolano misconstruing things that they said.</p> <p>10 Was there also a concern expressed to you that</p> <p>11 Ms. Ortolano might be mischaracterizing things</p> <p>12 that they had said to her?</p> <p>13 A Yes.</p> <p>14 Q That's all I have.</p> <p>15 (Deposition ended at 1:30 p.m.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>
<p style="text-align: right;">102</p> <p>1 Q Let me go back to ER 1-4. You'll agree with me</p> <p>2 that it says members must make available all</p> <p>3 public records in their custody for public</p> <p>4 review, correct?</p> <p>5 A That is what is stated there.</p> <p>6 Q Okay. So when you instructed the Assessors in</p> <p>7 the Assessing Department not to respond to</p> <p>8 Laurie Ortolano, weren't you telling them they</p> <p>9 need not make public documents available?</p> <p>10 A No, I was not.</p> <p>11 MS. FEENEY: Object to form. You've</p> <p>12 already answered it, but I object to form.</p> <p>13 Q Okay.</p> <p>14 A No, I was not.</p> <p>15 Q Okay. Thank you. That's all I have.</p> <p>16 MS. FEENEY: Anybody on the Hollywood</p> <p>17 Squares lineup want to ask my questions? Going</p> <p>18 once?</p> <p>19 MS. OSBON: No.</p> <p>20 MS. FEENEY: Going twice?</p> <p>21 MR. CULLEN: Brian Corrigan? (No</p> <p>22 response.)</p> <p>23 MS. FEENEY: Assuming the witness will be</p>	<p style="text-align: right;">104</p> <p>1 I have carefully read the foregoing</p> <p>2 deposition, and the answers made by me are true.</p> <p>3</p> <p>4</p> <p>5 _____</p> <p>6 KIMBERLY KLEINER</p> <p>7</p> <p>8 STATE OF _____</p> <p>9 _____, SS.</p> <p>10</p> <p>11 At _____ on the</p> <p>12 _____ day of _____ A.D.</p> <p>13 2024, personally appeared the above-named KIMBERLY</p> <p>14 KLEINER and made oath that the foregoing answers</p> <p>15 subscribed by her are true.</p> <p>16 Before me,</p> <p>17</p> <p>18</p> <p>19</p> <p>20 _____</p> <p>21 Notary Public</p> <p>22</p> <p>23</p>